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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1997]

1. Human Rights Watch wishes to alert the Commission on Human Rights to serious, officially sanctioned, racially and ethnically motivated abuse, perpetrated in the Russian Federation, Croatia and Yugoslavia.

The Russian Federation

2. Law enforcement authorities in Moscow, and other areas experiencing significant immigration such as the southern districts of Krasnodar and Stavropol, not only fail to fight racial discrimination but are conducting a campaign of harassment, job and housing discrimination and brutality against dark-skinned people. State-sponsored abuse documented by Human Rights Watch/Helsinki includes restriction of freedom of movement, arbitrary detention, arbitrary house searches and invasion of privacy, extortion, and physical assault. Since at least 1993, police abuse, combined with the growing xenophobic mood in Russia, has produced a brutal, State-sponsored campaign against dark-skinned people.

3. The law enforcement agencies of the Russian Federation have systematically targeted non-Slavic peoples - particularly dark-skinned people or people of Asian or South Asian descent - often by violent enforcement of laws that blatantly discriminate against non-Slavs such as the notorious resident permit (propiska) system, and by ignoring existing laws that provide for non-discrimination. The public fomenting of racist attitudes by leading political figures, such as Mayor Luzhkov of Moscow, has served to exacerbate an already grossly racist attitude by the authorities. This discrimination further extends to refugees and asylum-seekers in major Russian cities by denying them even the most basic rights, such as freedom of movement, solely on the basis of their ethnicity.

4. Law enforcement agents in Moscow routinely detain, intimidate, extort money from and beat people of colour, mainly people from the Caucasus, Africa, Asia and Central Asia, to the extent that numerous victims have been forced to develop "survival behaviour" to minimize the risk of abuse: they shave cleanly and regularly so as to look as light-skinned as possible; ride in private cars rather than use public transportation; locate the police visually at all times and walk as far from them as possible; pay the police right away when asked, whether they are paying a fine or a bribe; and never resist, fight back, or submit complaints to the police or otherwise publicize the abuse against themselves. For some, the only survival tactic is to leave Moscow; countless people have left the city because they could no longer tolerate the harassment, humiliation and monetary loss. Many others do not dare leave their homes for months at a time because they fear harassment and arrest and cannot afford to pay the police for alleged violations or bribes.

5. Despite the 1991 court decision that rendered the propiska regime illegal, the Government has made little if any effort to discontinue it in major cities. All new arrivals must pay for a temporary permit and register with the authorities or be subject to fines and deportation. Russian Federation police enforce this law in an entirely prejudicial manner against those with dark skin, including foreign students, workers, refugees and asylum-seekers. The police regularly detain people of colour in mass sweeps at market places and refugee hostels, more brutally and punitively in the wake of domestic unrest, such as during the war in Chechnya and the Budyonnovsk hostage crisis, both of which involved dark-skinned people and violence against Russians.

6. Rather than seeking to curb racially motivated violence rampant in Moscow since 1993, the Moscow city government has strengthened police discretion to verify passports and propiskas, which it enforces overwhelmingly against dark-skinned people. In the two days following the 10 and 12 July 1996 bombing of Moscow trolley buses, police detained 5,770 individuals for violating city propiska and registration requirements. This extraordinarily high number suggests that many of the detentions were wholly arbitrary. Moreover, Mayor Yuri Luzhkov's televised remarks, expounding a theory of Chechen involvement only two hours after the crime in which he "warn[ed] the entire Chechen diaspora" and promised to rid the city of "bums and organizations ... connected to systems of southern structures", and set the tone for "Operation Cleanse" - raids on markets, dormitories and the like. The beating of dozens of Azerbaijanis during

market raids caused at least two to be hospitalized during this period. In August 1996, Mayor Luzhkov declared that "crime in Moscow bears no ethnic factor", but failed to note that crime-fighting indeed does.

7. Human Rights Watch urges the Special Rapporteur on contemporary forms of racism to investigate the abusive situation in the Russian Federation and to report to the Commission at its next session.

Croatia and Yugoslavia

8. Ethnic minorities in regions of Yugoslavia and Croatia continue to face widespread discrimination, harassment and police brutality. Although there has been a general reduction in the routine, officially sanctioned violence against minority civilians since the end of the war, insufficient or non-existent governmental efforts to protect minorities from abuse and to hold perpetrators accountable for their conduct has meant that many continue to live in fear. Fear of imminent eviction from their homes, censorship of minority views in national publications, and the perception that abuses can be committed against minorities with impunity create a widespread sense of insecurity.

9. Despite considerable attention from the international community, ethnic Albanians in Kosovo province, ethnic Hungarians in Vojvodina, and Muslims in Sandzak continue to face serious human rights abuses which have yet to be remedied by the Government of Yugoslavia.

10. In Kosovo, officials citing terrorism or secessionism have given Serbian police free rein to harass, arbitrarily detain and beat ethnic Albanians without fear of reprisal. In 1995/96, 19 ethnic Albanians were killed by police who apparently never faced criminal charges. Police attacks on ethnic Albanians commonly take place in public or in front of family members, further contributing to a sense of insecurity and fear among the whole Albanian community. There is also evidence of wide-scale abuse and torture of detainees by the police.

11. The systematic violation of the rights of ethnic Albanians to free speech and association has also continued unabated. Community activists are routinely targeted for physical harassment and arrested without warrant, and police frequently confiscate the office equipment from the headquarters of ethnic Albanian organizations.

12. These tactics, combined with the deliberate economic and social marginalization of Albanians, have forced the emigration of an estimated 350,000 ethnic Albanians from the province. While Albanians are being forced to leave, the government of President Milosevic has provided incentives to and encouraged the settlement of Serbs in the region, including 16,000 Serb refugees from Bosnia and Croatia.

13. Overtones of the same policy are present with regard to ethnic Hungarians in Vojvodina and Muslims in Sandzak. The Yugoslav Government's refusal to make reparations for the serious abuses committed between 1991 and 1995 against non-Serb civilians and their property - most notably the displacement of many non-Serbs to provide housing for Serb refugees - has

left minorities with a sense of insecurity. Without governmental efforts towards review or restitution, many minorities continue to flee the region out of fear that similar waves of xenophobic violence could recur at any time. In fact, there exists considerable evidence of governmental strategies to resettle Serb refugees in Vojvodina and Sandzak with the aim of skewing the ethnic composition and marginalizing the minority communities there.

14. In Croatia, those responsible for the 1995 "Operation Storm" in the Krajina enjoy complete impunity. The Government refuses to investigate most crimes against the non-Croat population. The Croatian Army's offensive to recapture the Krajina region and its aftermath caused the displacement of hundreds of thousands of Serbs from Croatia, the death of more than 200 civilians - including summary executions of elderly and infirm Serbs who remained behind - and the wholesale destruction of Serbian villages and property by Croatian government forces. Estimates of Serbs still reported "missing" from the region range to over 1,600. Not only has the Croatian Government failed to protect Serbs who remain in the Krajina and to bring to justice those responsible for serious abuses against them, unnecessary bureaucratic obstacles and delays prevent most ethnic Serbs from returning to their homes.

15. In view of the Croatian Government's continuing refusal to hold individuals accountable for crimes committed in Krajina, Serbs are understandably apprehensive about the impending July transfer of Eastern Slavonia from Serb to Croatian control. The Croatian Government's January letter of intent, which outlines a plan for the peaceful reintegration of the territory, is a positive step towards allaying the fears of the Serb community; however, close supervision of escalating extremist violence in the area is necessary. A mass exodus of Serbs into the Bosnian Serb-controlled areas of Bosnia remains a possibility so long as Serbs fear mistreatment: Croatia must quickly resolve problems surrounding the dissemination and processing of citizenship papers and pensions, and encourage the development of local political parties, especially in view of municipal elections scheduled for April.

16. Human Rights Watch urges the Commission on Human Rights to include, in its resolution on human rights in the former Yugoslavia, a condemnation of the practices described above. We also support the recommendation of the Special Rapporteur on human rights in the former Yugoslavia to establish a field office of the Centre for Human Rights in Kosovo.